

REMARKS

Favorable reconsideration of the present application is respectfully requested. Claims 1-4 and 7-10 are currently pending. Claims 1, 4 and 7 have been amended and Claims 5 and 6 have been canceled. Claims 6-9 have been previously withdrawn in response to a Restriction Requirement, but Claim 7 has been amended for rejoinder. No new matter has been added to the claims. Applicants believe that the amendments and remarks provided herein put the application in condition for allowance, or at least in better form for appeal.

Claims 1-5 and 10 are rejected under 35 U.S.C. §103(a) as being unpatentable over French Patent Application No. 2,577,897 to Gerard et al. ("Gerard") in view of U.S. Patent No. 4,834,259 to Kubis et al. ("Kubis"). Applicants have amended Claim 1 to contain recitations from Claim 5 (now canceled) to overcome the rejection and Claim 1 now recites, *inter alia*:

"a barrier layer for preventing the passage of fluids; and a tab extending from a centre panel of the peelable lid structure for removing the peelable lid structure from the container to allow access to the container contents; in which the barrier layer includes less than 20 microns thickness of aluminum; and in which the tab is folded over the centre panel and secured in the folded position on the centre panel for processing of can contents or handling operations; wherein the tab or centre panel includes a patch, an area of which is exposed by a hole in the tab or centre panel respectively, and the tab is secured in the folded position by bonding to the exposed area of the patch."

Contrary to the Examiner's assertion, Kubis does not disclose that "the tab or centre panel includes a patch, an area of which is exposed by a hole in the tab or centre panel respectively, and the tab is secured in the folded position by bonding to the exposed area of the patch," as recited in Claim 1. Applicants respectfully believe that the Examiner has misinterpreted Kubis, since the part of Kubis relied on by the Examiner, grip portion 22, is not a patch at all, but is actually part of the pull tab 18 (*see*, Albin, Column 2, Lines 2-

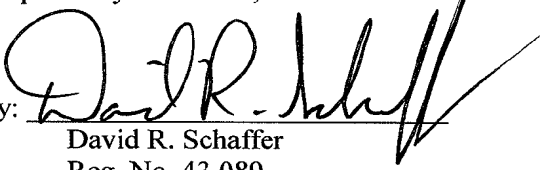
5) and does not have “an area of which is exposed by a hole in the tab or centre panel respectively,” nor is the tab “secured in the folded position by bonding to the exposed area of the patch,” as recited in Claim 1. Instead, “the pull tab is releaseably secured to the lid 16 by a rupturable spot heat bond 30 on grip portion 22,” (*see, Id*, Lines 19-22), which would be comparable to spot heat bonding the tab (3) of the present application outside the hole (5) (*see*, Application FIGs. 2a and 2b, and Specification Page 7, Line 23 to Page 8, Line 12) and which is inconsistent with Claim 1. Therefore, the grip portion 22 of Kubis does not have “an area of which is exposed by a hole in the tab or centre panel respectively,” and the tab is not “secured in the folded position by bonding to the exposed area of the patch,” as recited in Claim 1. Accordingly, Applicants believe that the Section 103 rejection of Claim 1 is believed to be overcome and the Examiner is respectfully requested to withdraw the rejection and issue a Notice of Allowance for Claim 1, and Claims 2-4 and 10 that depend therefrom.

Regarding non-elected process Claims 6-9, Applicants have canceled Claim 6 and amended Claim 7 to include all of the limitations of now-believed allowable product Claim 1 and respectfully request that process Claims 7-9 be rejoined.

Should the Examiner believe that any further action is necessary to place this application in better form for allowance, the Examiner is invited to contact Applicants' representative at the telephone number listed below.

The Commissioner is hereby authorized to charge to Deposit Account No. 50-1165 (T4515-16173US01) any fees under 37 C.F.R. §§ 1.16 and 1.17 that may be required by this paper and to credit any overpayment to that Account. If any extension of time is required in connection with the filing of this paper and has not been separately requested, such extension is hereby requested.

Respectfully submitted,

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